

REGULAR MEETING  
BOROUGH COUNCIL  
BOROUGH OF RUMSON  
August 16, 2007

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of the Memorial Borough Hall on August 16, 2007 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Broderick, Hemphill, Kammerer, Rubin and Shanley.

Absent: None.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

C. Bernard Blum, Jr., Borough Engineer, was not present.

David Marks of T & M Associates was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2007 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

**MOTION TO CHANGE THE ORDER OF BUSINESS TO APPOINT SENIOR  
PATROLMAN RONALD VILARDI TO THE POSITION OF DETECTIVE:**

On motion by Councilman Kammerer, seconded by Councilman Hemphill, the Order of Business was changed to appoint Senior Patrolman Ronald Vilardi to the position of Detective effective July 1, 2007. All in favor.

**RESOLUTION TO APPOINT SENIOR PATROLMAN RONALD VILARDI TO THE  
POSITION OF POLICE DETECTIVE:**

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson, based on the recommendation of the Police Committee, through its Police Department has the need for a Police Detective; and

WHEREAS, the Borough Council Police Committee has recommended Ronald Vilardi for the position of Police Detective; and

WHEREAS, the Borough Council agrees with the Police Committee's recommendation; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Senior Patrolman Ronald Vilardi be promoted to the position of Police Detective effective July 1, 2007 with an annual stipend of \$750.00 as specified in the current P.B.A. contract.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**OATH OF OFFICE FOR SENIOR PATROLMAN RONALD VILARDI FOR THE POSITION OF POLICE DETECTIVE:**

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Mayor Ekdahl thanked all the Police Officers for attending the Council meeting in support Senior Patrolman Ron Vilardi's appointment as Detective. He stated that he would like to take this opportunity to thank all of the members of the Rumson Police Department, on behalf of the Borough Council, for the fine job the Department did in organizing crowd and traffic control and emergency services to insure the public's safety and enjoyment of the July 3<sup>rd</sup> Rumson Centennial Fireworks Display on the Navesink River.

Mayor Ekdahl administered the Oath of Office to Detective Vilardi and congratulated him on the new position.

The members of the Council congratulated Detective Vilardi and wished him well.

Detective Vilardi thanked the Mayor and Council.

**MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS:**

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On motion by Councilman Kammerer, seconded by Councilman Rubin, the meeting was returned to the Regular Order of Business. All in favor.

**COMMUNICATIONS:**

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**LETTER FROM RESIDENTS OF LAKESIDE AVENUE REQUESTING PERMISSION TO HOLD A BLOCK PARTY ON LAKESIDE AVENUE BETWEEN FORREST AVENUE AND EAST RIVER ROAD ON SATURDAY, SEPTEMBER 22, 2007 BEGINNING AT 3:00 P.M.:**

The Municipal Clerk/Administrator advised of a letter from a number of residents on Lakeside Avenue (and one from the corner of East River Road) requesting permission to hold a block party on Lakeside Avenue between Forrest Avenue and East River Road on Saturday, September 22, 2007 beginning at 3:00 p.m.

In answer to a question by Councilwoman DeVoe, the Municipal Clerk/Administrator advised that there have been block parties held by the Lakeside Avenue residents in the past.

On motion by Councilwoman DeVoe, seconded by Councilman Broderick, this communication was ordered received and permission was granted for the September 22<sup>nd</sup> block party on Lakeside Avenue. All in favor.

**CONSENT AGENDA:**

**LETTER FROM BARBARA MOOREHEAD RESIGNING HER POSITION AS A SCHOOL CROSSING GUARD:**

The Municipal Clerk/Administrator advised of a letter dated August 6, 2007 from Barbara Moorehead advising that she has taken another job and was resigning her position as School Crossing Guard.

**LETTER FROM NANCY PETRUCELLI RESIGNING HER POSITION AS A SCHOOL CROSSING GUARD:**

The Municipal Clerk/Administrator advised of a letter dated August 8, 2007 from Nancy Petrucelli advising that she has taken a full-time position at Deane-Porter School and was resigning her position as School Crossing Guard.

**LETTER FROM AQUA-TERRA ENVIRONMENTAL INC., ON BEHALF OF MR. WILLIAM TRANTER AND MS. JANET GILLESPIE FOR PROPERTY LOCATED AT 93 WATERMAN AVENUE, ENCLOSING A COPY OF AN APPLICATION TO THE STATE D.E.P. FOR A WATERFRONT DEVELOPMENT MINOR MODIFICATION PERMIT FOR AN APPROVED RECREATIONAL DOCK:**

The Municipal Clerk/Administrator advised of a letter dated August 1, 2007 from Aqua-Terra Environmental Inc. on behalf of Mr. Bill Tranter and Mrs. Janet Gillespie. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for a Waterfront Development Minor Modification Permit for an approved recreation dock on their property at 93 Waterman Avenue.

**LETTER FROM THE STATE D.E.P. ADVISING OF THE APPROVAL OF THE WATERFRONT DEVELOPMENT PERMIT, WATER QUALITY CERTIFICATE AND FRESHWATER WETLANDS GENERAL PERMIT #19 FOR EDWARD AND MARY JO BUONOPANE, JR. FOR PROPERTY LOCATED AT 39 OAKES ROAD FOR THE CONSTRUCTION OF A FIXED PIER AND A FLOATING PIER:**

The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection reporting the approval of the Waterfront Development Permit, Water Quality Certificate and Freshwater Wetlands General Permit #19 for Edward and

Mary Jo Buonopane, Jr. for property located at 39 Oakes Road for the construction of a fixed pier and a floating pier.

Councilman Shanley asked if there were replacements for the two School Crossing Guards who resigned.

Police Chief Richard Tobias advised that we were in the processing of recruiting applicants for the two positions.

The Municipal Clerk/Administrator advised that the openings for Crossing Guard had been posted.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the above four communications were ordered received. All in favor.

#### **COMMITTEE REPORTS:**

None.

#### **UNFINISHED BUSINESS:**

**ORDINANCE TO APPROPRIATE FUNDS FOR THE ACQUISITION OF FIRE DEPARTMENT GEAR AND EQUIPMENT. PUBLIC HEARING SCHEDULED FOR TONIGHT WAS POSTPONED TO THE SPECIAL BOROUGH COUNCIL MEETING ON THURSDAY, AUGUST 30, 2007 AT 4:30 P.M., DUE TO A PUBLICATION ERROR:**

The Municipal Clerk/Administrator advised that, due to a publication error in the Notice in the *Asbury Park Press*, the Ordinance to Appropriate Funds for the Acquisition of Fire Department Gear and Equipment that was scheduled for public hearing at this time was postponed until the Special Borough Council meeting scheduled for Thursday, August 30, 2007 at 4:30 p.m.

#### **NEW BUSINESS:**

**ORDINANCE TO CANCEL AND REAPPROPRIATE FUNDED BOND ORDINANCE BALANCES IN FIRST READING. PUBLIC HEARING SCHEDULED FOR THURSDAY, AUGUST 30, 2007:**

The Municipal Clerk/Administrator read the following ordinance by title only in first reading:

BOND ORDINANCE TO CANCEL FUNDED APPROPRIATION BALANCES HERETOFORE PROVIDED FOR, TO TRANSFER AND REAPPROPRIATE FUNDED APPROPRIATION BALANCE FOR THE ACQUISITION OF A FIRE DEPARTMENT UTILITY TRUCK, TO AUTHORIZE THE ACQUISITION OF SUCH UTILITY TRUCK BY AND FOR THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND TO APPROPRIATE THE SUM OF \$30,005 TO PAY THE COST THEREOF

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The following appropriation remaining as a balance in the bond ordinance referred to below (the "Bond Ordinance") and heretofore adopted by the Borough of Rumson, in the County of Monmouth (the "Borough") is hereby canceled:

<u>Ordinance Name and Date of Adoption</u>	<u>Description of Project</u>	<u>Amount of Appropriation to be Canceled</u>
BOND ORDINANCE APPROPRIATING \$150,000 AND AUTHORIZING \$142,857 BONDS OR NOTES OF THE BOROUGH FOR THE ACQUISITION OF EQUIPMENT FOR THE OFFICE OF EMERGENCY MANAGEMENT IN, BY AND FOR THE BOROUGH OF RUMSON, IN THE COUNTY OF MONMOUTH, NEW JERSEY Adopted August 17, 2006	Acquisition of Equipment for the Office of Emergency Management, including without limitation, a Warning Siren System and a Refurbished Emergency Rescue Vehicle	\$30,005

Section 2. The authorization of bonds or notes in the amount of \$373 pursuant to the Bond Ordinance which has not been previously funded is hereby canceled:

Section 3. The sum of \$30,005 is hereby reappropriated from the Bond Ordinance for the acquisition of a utility truck for the Fire Department.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement that the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of the Local Bond Law and according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is 10 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of the Borough and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey.

Section 5. Any funds from time to time received by the Borough as contributions-in-aid of financing the improvements or purposes described in Section 3 of this bond ordinance shall be used for financing said improvements or purposes by application thereof either to direct payment of the cost of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by the Bond Ordinance referred to in Section 1 hereof. Any such funds so

received may, and all such funds so received which are not required for direct payment of the cost of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by the Bond Ordinance referred to in Section 1 hereof.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 7. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Councilman Kammerer moved the adoption of this ordinance in first reading. Motion seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

Mayor Ekdahl stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Thursday, August 30, 2007 special meeting of the Borough Council at 4:30 p.m.

**RESOLUTION TO APPOINT EDWARD HRYCZYK TO THE POSITION OF ASSISTANT BUILDING INSPECTOR, ELECTRIC SUBCODE OFFICIAL AND ASSISTANT CONSTRUCTION OFFICIAL EFFECTIVE SEPTEMBER 1, 2007:**

Councilman Hemphill offered the following resolution and moved its adoption:

**RESOLUTION FIXING SALARIES OF CERTAIN  
BOROUGH OFFICERS, EMPLOYEES AND APPOINTEES**

WHEREAS, an ordinance entitled "AN ORDINANCE FIXING COMPENSATION OF BOROUGH OFFICERS AND CERTAIN BOROUGH EMPLOYEES IN THE BOROUGH OF RUMSON, NEW JERSEY" has been adopted following public hearing; and

WHEREAS, said ordinance provides for salary ranges of various job titles and positions; and

WHEREAS, it is the intention of the Mayor and Council to fix the salaries of those individuals who hold such positions; and

WHEREAS, the Borough of Rumson through its Construction Department is in need of a part-time Assistant Building Inspector, Electric Subcode Official and Assistant Construction Official; and

WHEREAS, Edward R. Hryczyk currently holds the position of part-time Assistant Building Inspector, as well as part-time Electrical Inspector, and is qualified and willing to retain his position as part-time Electrical Inspector and in addition has agreed to take the position of part-time Assistant Building Inspector, Electric Subcode Official and Assistant Construction Official;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Edward R. Hryczyk retain his position of part-time Electrical Inspector at rate of \$12,372.00 per year and to be appointed to the position of part-time Assistant Building Inspector, Electric Subcode Official and Assistant Construction Official at a rate of \$50,000.00 per year effective September 1, 2007.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION TO APPOINT TORCON INC. AS PROFESSIONAL CONSULTANT TO THE BUILDING COMMITTEE FOR THE BOROUGH HALL BUILDING PROJECT:**

Councilwoman DeVoe offered the following resolution and moved its adoption:

**RESOLUTION**

WHEREAS, there exists a need for the services of a consultant to aid the Building Committee on the design and construction process for the new Borough Hall Building Project; and

WHEREAS, the Borough Council has decided that Torcon Inc., 328 Newman Springs Road, Red Bank, NJ, has the knowledge, experience and ability to perform the service of consultant on the Project; and

WHEREAS, Torcon Inc. has agreed to review the plans in the design and construction phases of the Borough Hall Building Project and advise the Building Committee on their recommendations on the design, materials, mechanicals, construction and costs thereof for the new Borough Hall Building; and

WHEREAS, the Local Public Contracts Law, R.S.40A:11-1, et. seq., requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be published no more than ten (10) days following the adoption thereof:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson as follows:

1. The Mayor and the Borough Clerk are hereby authorized, in behalf of the Borough, to retain Torcon Inc. to perform the services of Consultant to the Building Committee for the new Borough Hall Building.

2. Said consultant is retained and appointed to the office of Consultant to the Borough Hall Project without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because the service rendered or performed is to be done by a person authorized by law to practice a recognized profession and whose profession and practice is regulated by law and bids are not required per R.S.40A:5-11.
3. A copy of this resolution shall be published in one of the Borough's official newspapers as required by law within ten (10) days of its passage.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk/Administrator be authorized to sign a contract with Torcon Inc. for the review of and recommendations for the design and construction of the Borough Hall Building Project.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION AUTHORIZING THE AWARD OF THE BOROUGH'S LEAF RECYCLING CONTRACT FOR 2007 TO OVERBROOK FARM:**

Councilwoman DeVoe offered the following resolution and moved its adoption:

**RESOLUTION**

WHEREAS, two proposals were received for the 2007 contract to recycle the Borough's leaves; and

WHEREAS, Overbrook Farm, 55 Orchard Lane, Colts Neck, N.J. was the low bidder at a price of \$3.00 per cubic yard compacted;

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves a one-year contract with Overbrook Farm for the recycling of leaves; and

BE IT FURTHER RESOLVED that the Borough Administrator be and is hereby authorized to accept the aforementioned proposal from Overbrook Farm dated August 4, 2007.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.



**RESOLUTION AUTHORIZING THE BOROUGH'S APPLICATION FOR A D.O.T. GRANT FOR PEDESTRIAN WALKWAYS, CURBING AND POSSIBLE PAVING ON RIDGE ROAD, NARUMSON STREET, BLACKPOINT ROAD AND FORREST AVENUE:**

Councilman Hemphill offered the following resolution and moved its adoption:

**RESOLUTION TO APPLY FOR STATE AID FOR SAFE STREETS TO SCHOOLS ON RIDGE ROAD, NARUMSON STREET, BLACKPOINT ROAD AND FORREST AVENUE**

BE IT RESOLVED, that application is hereby made to the Commissioner of Transportation for an allotment of aid for the 2008 Safe Streets to Schools Improvements on Ridge Road, Narumson Street, Blackpoint Road and Forrest Avenue in the Municipality of the Borough of Rumson, County of Monmouth, State of New Jersey for a distance of 0.47 miles or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is \$172,500.00. The Sponsor requests \$150,000.00 in State funds and anticipates contributing \$22,500.00; and

BE IT RESOLVED that any aid received as a result of this application will only be used for eligible costs for the project; and

BE IT FURTHER RESOLVED that if this application is approved and accepted by the New Jersey Department of Transportation ("the Department"), the Sponsor agrees that:

- a. It shall arrange for financing of the total cost of the project provided for in this Agreement.
- b. It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of funds appropriated by the State Legislature from State revenues or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available appropriation.
- c. In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, 1) may either rescind this Agreement or 2) continue with the project and assume the entire difference between the total cost of the project and the allotment of State funds or 3) re-evaluate the project limits or scope and submit a letter of justification to the Department for approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the source of funding.
- d. The Sponsor must notify the Department of its rescission of this Agreement within thirty (30) days of the expiration of the Agreement or subsequent extensions. Not meeting this requirement will result in future grants being provided on a reimbursement basis until such time as the municipality demonstrates satisfactory performance in awarding construction contracts. This does not apply to the County Aid Program.
- e. Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.
- f. New Jersey Office of Management and Budget, Circular Letter 05-12, Grant Agreements – Agency Contracts and any supplemental compliance statements by the Department, must be complied with by the Sponsor.
- g. The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:
  1. Preparation of contract drawings and supplementary specifications.
  2. The acquisition of all necessary right-of-way, easements, slope rights and permits.
  3. Construction of the above referenced improvement.
  4. Monitoring and supervising compliance with all provisions of this Agreement.

- h. It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants, and employees from and against any and all suits, claims, demands or damages of whatsoever kind and nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but not limited to, expenditures for and costs of investigations, hiring of expert witnesses, court cost, counsel fees, settlements, and judgments.
- i. It shall engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreement for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.
- j. In its agreements for professional and non-professional services, the Sponsor shall require the provisions of public liability insurance and every such policy shall include the Sponsor and State as additional named insureds.
- k. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria and the Department's Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without the knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the State as outlined in this Agreement. All design shall also conform to the current "Manual on Uniform Traffic Control Devices" published by Federal Highway Administration. Design Exception reports will be prepared for all controlling substandard design elements in accordance with the Department's Design Exception Manual. Design Exception reports shall be certified by a New Jersey licensed professional engineer.
- l. It shall provide maps, reports, detailed plans, supplementary specification and contract documents required by the Department.
- m. All workmanship and materials shall conform to current "New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction" as amended for State Aid.
- n. It is the responsible authority, without recourse to the State, regarding the settlement and satisfaction of all contractual and administrative issues arising out of the procurement entered in support of this funding.
- o. Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application, and Agreement. No substantial change shall be included in the project unless it has been approved by the Department.
- p. Any changes in work after the award of contract shall be documented with a Department approved change order.
- q. Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:
1. One (1) copy of the contract plans, specifications, engineer's estimate, and engineer's design certification.
  2. Other documents as required.
- r. It shall advertise and award the contract in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40 A: 11-1 et. seq.
- s. It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.
- t. Within thirty (30) calendar days of construction bids, unless the Department grants an extension of this time, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:

1. Two (2) copies of the summary of construction bids.
  2. A resolution awarding the contract to the lowest responsible bidder submitting a responsive bid, subject to the approval of the Department.
- u. For municipal grants, the municipality shall award a construction contract for the grant project within eighteen (18) months of approval of this Resolution, Application, and Agreement by the Department. The Department in its sole discretion may provide one six (6) month extension after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the grant agreement. The Department in its sole discretion may provide a second six (6) month extension under extraordinary circumstances as defined by N.J.A.C. 16:20B1.3 after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the first six month extension. The Department may cancel the grant agreement if the Sponsor does not award the construction contract by the specified time or if an extension is not requested at least thirty (30) days prior to the expiration of the grant agreement or subsequent extensions; or if an extension of time is not granted.
- v. Cancellation of the grant agreement because a construction contract was not awarded within the time requirements or because an extension of time was not properly requested thirty (30) days prior to grant agreement expiration or subsequent extensions will result in future grant funds being provided on a reimbursement basis until such time as the Sponsor demonstrates it can award a construction contract within the specified timeframes.
- w. Sponsors may voluntarily cancel the grant agreement with written notice thirty (30) days prior to the expiration of the grant agreement or subsequent extensions. Voluntarily canceling the grant agreement with proper notification will result in no penalties on future grants.
- x. Upon prior approval of the Department, it may elect to undertake the work through the use of its own forces when it is deemed applicable and appropriate.
- y. Neither design costs, the costs for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of the project for purposes of computation of the allotment of State Aid funds under this Agreement except in special cases approved by the Department.
- z. State participation in the cost of the project shall not exceed the lesser of either 100 percent of the cost of the completed construction work including eligible construction supervision, inspection and material testing, or the original allotment. State participation in inspection and material testing costs combined shall be limited to 15 percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor shall be afforded an opportunity to challenge this determination at an informal hearing.
- aa. At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments shall be made as follows:
1. For programs administered by the Division of Local Aid and Economic Development, a specified percentage, of the lesser of the eligible award amount or allotment amount shall be paid at the time of concurrence in the award of contract by the Department or the full amount of the allotment shall be paid upon approval of this Agreement as determined by the Commissioner. The remaining percentage or balance of funds shall be paid upon submission of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project acceptance. The Department reserves the right to inspect the work associated with the grant as per N.J.A.C. 16:20B-3.2.
  2. For County Aid and the Local Bridge Bond Act, the full amount of the annual allotment amount shall be paid upon approval of the Annual Transportation Plan (ATP) and the execution of this Agreement unless the County has demonstrated unsatisfactory performance,

whereby funds will be provided similar to municipal grants.

3. If the Sponsor requests, progress payments shall be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department with supporting information as required by the Department. Progress payments of not less than \$50,000 may be made.
- bb. The Sponsor hereby certifies that all allotted funds shall only be spent on eligible costs for the approved project(s) as described in this Agreement.
- cc. In the event allotted funds remain after completion of the work, the remaining funds shall revert to the source of the funding and shall be re-allotted by the Department in a manner determined solely by the Commissioner of Transportation.
- dd. In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, upon notice from the Department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the State is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Departments and Agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.
- ee. It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with N.J.A.C. 16:20A or 16:20B, as applicable, and comply with State of New Jersey audit requirements specified therein.
- ff. It shall maintain complete documentation of the project for a period of three (3) years after receiving final reimbursement or payment by the State.
- gg. It shall maintain the completed project in a manner satisfactory to the Department.
- hh. It will comply with Title VI of the 1964 Civil Rights Act.
- ii. Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding.
- jj. Approval as to Form by Certification Process.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute and attest this Resolution, Application and Agreement.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

#### **RESOLUTION AUTHORIZING THE PURCHASE OF FIREFIGHTER PROTECTIVE CLOTHING FOR THE RUMSON FIRE DEPARTMENT:**

The Municipal Clerk/Administrator advised that the Borough Council Police/Fire/EMS Committee had agreed to purchase the firefighter protective clothing under State Contract instead of going out to bid.

Councilman Kammerer offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF  
FIREFIGHTER PROTECTIVE CLOTHING  
FOR THE RUMSON FIRE DEPARTMENT

WHEREAS, the Borough of Rumson has the need to purchase new Firefighter Protective Clothing from authorized vendors under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

WHEREAS, TOTAL FIRE GROUP. has been awarded New Jersey State Contract No. 64798 for Firefighter Protective Clothing and Equipment, for the period from March 1, 2006 to February 28, 2008; and

WHEREAS, Trilex Ltd is an authorized dealer for Total Fire Group; and

WHEREAS, the actual cost for the purchase from Trilex Ltd. as a dealer for Total Fire Group is \$36,410.73; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract, as shown on the attached copy of Purchase Order Number 07-1251, in the amount of \$36,410.73;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Trilex Ltd. as an authorized dealer for Total Fire Group be awarded a contract for the acquisition of new Firefighter Protective Clothing for the Rumson Fire Department at a cost of \$36,410.73; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to proceed with the purchase of said goods.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION AUTHORIZING THE BOROUGH TO ENTER INTO AN AGREEMENT  
WITH THE OWNERS OF 2 BROOKSIDE DRIVE FOR TEMPORARY ACCESS TO  
THEIR PROPERTY TO REPLACE A STORMWATER PIPE ON THE SOUTH SIDE OF  
WOODSIDE DRIVE:**

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Councilman Hemphill offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough has a need to replace a stormwater pipe on the south side of Woodside Drive; and

WHEREAS, a section of the stormwater pipe to be replaced is located on the property of William and Star Burnett of 2 Brookside Drive (on the corner of Woodside Drive) and the Borough will need temporary access to the Burnett property to complete the job; and

WHEREAS, William and Star Burnett have agreed to allow the Borough temporary access to the property for the work to be done;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorizes the agreement with William and Star Burnett for access to their property for the necessary stormwater pipe replacement; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk/Administrator are hereby authorized to sign the aforementioned Agreement on behalf of the Borough.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION AUTHORIZING THE REFUND OF A TAX OVERPAYMENT ON BLOCK 104, LOT 9 FOR MATTHEW W. AND CAROLYN A. GEIGER:**

Councilman Kammerer offered the following resolution and moved its adoption:

**RESOLUTION REFUNDING TAX OVERPAYMENT ON BLOCK 104, LOT 9**

WHEREAS, the 2007 taxes for the property located at 28 Ward Avenue, known as Block 104, Lot 9 were overpaid by the taxpayers, Matthew W. and Carolyn A. Geiger, mortgage company Mortgage Service Center; and

WHEREAS, the mortgage company, Mortgage Service Center, has requested a refund of their tax overpayment in the amount of \$3,301.97;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the 2007 tax overpayment, in the amount of \$3,301.97 be refunded to Mortgage Service Center, PO Box 23750, Attn: C. Pulley, M6408, Rochester, NY 14692; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Tax Collector and the Chief Financial Officer.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONIES TO ROYAL BANK AMERICA D/B/A CRUSADER LIEN SERVICES FOR A LIEN SOLD IN TAX SALE ON DECEMBER 1, 2006 FOR BLOCK 64, LOT 19:**

Councilman Hemphill offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES  
TO ROYAL BANK AMERICA D/B/A CRUSADER LIEN SERVICES**

WHEREAS, at the Municipal Tax Sale held on December 1, 2006, a lien was sold on 19 Rosalie Avenue, also known as Block 64, Lot 19 on the Tax Map, for 2005 delinquent taxes and sewer charges; and

WHEREAS, this lien, known as Tax Sale Certificate #060002, was sold to Royal Bank America, for a 0% redemption fee plus a premium of \$2,400.00; and

WHEREAS, the attorney, Hubschman & Roman which represents Hadden Enterprises in the foreclosure action against James and Madelyn Hunt, has effected redemption of Certificate #060002 in the amount of \$12,652.89 of which \$12,652.89 plus \$2,400.00 premium will be paid to the lien holder on August 16, 2007;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby authorize the Tax Collector to issue a check in the amount of \$15,052.89 for the redemption of Certificate #060002, payable Royal Bank America D/B/A Crusader Lien Services, 179 Washington Lane, Jenkintown, PA 19046; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Tax Collector and the Chief Financial Officer.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

**ANNOUNCEMENTS BY THE MAYOR:**

Mayor Ekdahl made the following announcements:

1. There will be a Special Borough Council meeting on Thursday, August 30<sup>th</sup> at 4:30 p.m.
2. Borough Hall will be closed on Monday, September 3<sup>rd</sup> in observance of the Labor Day holiday. There will be no garbage collection in the Borough on Labor Day. All those residents whose regular garbage day falls on Monday will have to wait until Thursday for their next pick-up.

Thank you for your cooperation and have an enjoyable and safe Labor Day weekend.

## **COMMENTS FROM THE COUNCIL:**

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The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

## **COMMENTS FROM THE PUBLIC:**

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The Mayor afforded the public an opportunity to be heard at this time and the following resident responded:

Gary Boyd of 56 East River Road stated that the parking on Forrest Avenue has gotten to be a real problem and, with vehicles parked on both sides of the street, it is very difficult for two vehicles traveling in opposite directions to pass. He wondered if the Council would consider changing the Ordinance to allow parking on one side of the street only and possibly changing building codes to require garages be placed at the rear of the property with long driveways to encourage residents to park in their driveways instead of on the street.

Mayor Ekdahl stated that Mr. Boyd's comments on parking were timely because Police Chief Tobias was present at this meeting and that one of the topics for discussion at the Council work meeting following the regular meeting tonight was parking, and Forrest Avenue would be added to the other streets that were to be discussed—Cherry Lane and Blossom and Ridge Roads where the issue of overflow parking from the High School comes into play. He added that one of the issues on Forrest Avenue was the added construction vehicles for the homes that were under construction and that eventually those vehicles would be taken out of the equation.

Mr. Boyd stated that the construction vehicles were an issue during the week but the residents along Forrest Avenue also have two or three vehicles at each house on weekends and many are parked in the street.

Councilwoman DeVoe stated that at the August 2<sup>nd</sup> Borough Council meeting a resident from the north end of Forrest Avenue had made many of the same comments as Mr. Boyd regarding the traffic, vehicles parked in the street and construction in the area. Councilwoman DeVoe stated that the Council would try to work out a solution during the discussions with Police Chief Tobias.

Mayor Ekdahl advised Mr. Boyd that the Zoning Ordinances were now more restrictive than those of Fair Haven and Little Silver and that the Council feels that going any further would impact the homeowners' rights. Mayor Ekdahl stated that the Borough couldn't "spot zone" and require garages to be built at the rear—and the Borough Attorney agreed.

Mr. Boyd stated that garages in the rear of the property should be encouraged by the Borough allowing a "bonus" if the garage were placed in the rear by allowing a double garage or a little more lot coverage.

The Borough Attorney stated that by doing that the Borough would run into issues of "spot zoning."

Mr. Boyd stated that if you did the same throughout the Borough then it wouldn't be "spot zoning."



Mayor Ekdahl stated that it would be difficult to craft such an Ordinance. He thanked Mr. Boyd for his comments.

### **FINANCIAL OFFICER'S REPORT:**

The Financial Officer's Report disclosed the following cash on hand in the Current Fund Account as of August 16, 2007:

Wachovia Bank		
Balance:	08/02/07	\$ 1,160,436.02
Cash Receipts:		\$ 4,249,359.20
Void Check		\$ 0.00
Pre-Paid Items:		\$ (359.58)
Bills & Claims:	08/16/07	\$ (236,169.36)
Payroll:	08/15/07	\$ (209,232.47)
Wachovia Bank Balance:		<u>\$ 4,964,033.81</u>
Certificate of Deposits:		\$ 8,000,000.00
Money Market Funds:		\$ 0.00
Total Current Fund:		\$12,964,033.81

On motion by Councilman Broderick, seconded by Councilman Shanley, the Financial Officer's Report was ordered received and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

### **CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):**

Councilman Kammerer offered the following resolution and moved its adoption:

\$	27.60	NJ State Dept of Health
\$	27.60	Animal Control Account
\$	2,815.50	Freehold Soil Conservation
\$	37,800.00	Quality Electrical Const Co
\$	7,259.93	Timothy S Hill Inc
\$	47,875.43	Capital Account
\$	359.58	Postmaster
\$	112.97	Action Office Supplies
\$	13,696.23	Allied Oil Company
\$	90.47	American Messaging

\$	396.00	Atlantic Plumbing
\$	69.65	Avaya Inc
\$	2,800.00	Branin's Contracting Co
\$	87.67	Builders General Supply Co
\$	63.00	Butches Auto Car Wash
\$	39.14	Circle Chevrolet
\$	91.16	Clayton Block Company Inc
\$	35.20	Coffee Man Co Inc
\$	950.40	Conrad Smith Nursery
\$	1,615.34	Custom Tire Associates
\$	3,180.54	Delta Dental Plan of NJ
\$	58,986.75	Depository Trust Company
\$	95.00	Deptcor
\$	10,147.70	Dowd & Reilly
\$	372.00	Dunlop and Lisk
\$	20.56	Fair Haven Hardware
\$	79.00	Fred Prior Seminars
\$	462.50	AH Hoffman LLC
\$	118.12	Home Depot Commercial Credit
\$	23.46	Int'l Trucks of Central Jersey
\$	45.45	JB Sales and Service
\$	34.85	Kepwell Natural Spring Water
\$	1,394.47	Lawes Oil
\$	59.84	Mazza and Sons Recycling
\$	83.00	MGL Printing Solutions
\$	641.55	Treasurer County of Monmouth
\$	119.90	Monmouth Sprinkler Co
\$	650.13	Monmouth Telecom
\$	3,301.97	Mortgage Service Center
\$	224.89	National Parts Supply Company
\$	126.75	Naylor's Inc
\$	7,931.00	New Jersey American Water
\$	213.44	Sprint Nextel
\$	64.76	NJ Fire Equipment
\$	64,047.80	State of NJ Pensions/Active
\$	36,502.94	State of NJ Pensions/Retiree
\$	150.00	NJ Turfgrass Association
\$	67.17	Norwood Auto Parts
\$	1,200.00	Postmaster
\$	100.00	Registrars Assn of NJ
\$	52.43	Thomas S Rogers
\$	15,052.89	Royal Bank America
\$	30.50	Seaboard Welding Supply Inc
\$	35.00	Signs by Tomorrow
\$	572.00	Snap On Tools
\$	225.00	State Shorthand Reporting Serv
\$	185.94	Staples Business Advantage
\$	210.00	Jeffrey R Surenian & Assoc
\$	580.00	Targeted Technologies LLC

\$	79.00	Taylor Fence Co Inc
\$	159.85	The Image Shop Inc
\$	645.07	Timothy S Hill Inc
\$	141.02	Trico Equipment Inc
\$	31.16	The Two River Times
\$	55.00	Visiting Nurse Assoc of CJ
\$	990.00	Voss Sign LLC
\$	449.00	West
\$	4,769.43	West River Equities LLC
\$	1,413.30	ZEP Manufacturing Company
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\$	236,528.94	Current Fund
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\$	4,694.50	Sandy Hook Yacht Sales
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\$	4,694.50	Endowment Inc Account
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\$	535.00	Jim Schnappauf
\$	440.00	Bob's Uniform Shop
\$	113.35	Patricia Docherty
\$	640.00	Gerard Dooley
\$	210.60	Linda Edwards
\$	42.46	John Hird
\$	302.96	Lesco Inc
\$	1,600.00	Claudia Lucey
\$	1,125.00	Novel Promotional Sales
\$	550.00	Robert Reidy
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\$	5,559.37	Recreation Account
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\$	48.65	Current Fund Appropriations
\$	236,480.29	Current Fund Appropriations
\$	27.60	Animal Control Fund Expenses
\$	47,875.43	Capital Fund Disbursements
\$	4,694.50	Endowment Disbursements
\$	5,559.37	Recreation Disbursements
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\$	294,685.84	Total Of All Funds

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

### **ADJOURNMENT:**

On motion by Councilwoman DeVoe, seconded by Councilman Broderick, the meeting adjourned at 7:55 p.m. All in favor.

Respectfully submitted,

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Thomas S. Rogers, R.M.C.  
Municipal Clerk/Administrator